



# California Fair Political Practices Commission

July 27, 1989

Peter A. Bagatelos  
Bagatelos & Fadem  
601 California St., Ste. 1801  
San Francisco, CA 94108

Re: Your Request for Informal  
Assistance  
Our File No. I-89-413

Dear Mr. Bagatelos:

You have requested confirmation of telephone advice provided to you concerning the lobbying disclosure provisions of the Political Reform Act.<sup>1</sup> Because your request does not identify the organization on whose behalf you are requesting advice, we consider it to be a request for informal assistance pursuant to Regulation 18329(c).<sup>2</sup>

Your letter dated July 10, 1989, summarizes my advice to be that for purposes of qualifying as a "lobbyist" under the "contacts test" contained in Regulation 18239, similar letters sent to all legislators would count as one "contact," and that this advice was based on the enclosed staff memorandum entitled "Qualification as a Lobbyist Under Regulation 18239."

Please note that paragraph 7(a) of the memorandum refers to "identical or almost identical copies of a single letter to many legislators." Letters which are "similar" may be covered under

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<sup>1</sup> Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

<sup>2</sup> Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

Peter A. Bagatelos  
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paragraph 7(b), which states that "several different letters on the same issue to a number of legislators" would result in one contact per letter.

If you have additional questions, please do not hesitate to contact me at (916) 322-5662.

Sincerely,

Kathryn E. Donovan  
General Counsel

*Carla J. Wardlow*

By: Carla J. Wardlow  
Assistant Chief, Technical  
Assistance & Analysis Division

Enclosure

LAW OFFICES OF  
**FPPC BAGATELOS & FADEM**

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PETER A. BAGATELOS  
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**JUL 12 3 41 PM '89**

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July 10, 1989

Ms. Carla Wardlow  
Technical Assistance Division  
Fair Political Practices Commission  
428 J Street, Suite 800  
Sacramento, CA 95814

Dear Carla:

This will confirm our telephone conversation on June 15, 1989. My inquiry related to whether an organization sending similar letters regarding legislation to all legislators would incur any lobbying related reporting responsibilities. I indicated that a membership organization retained a separate public relations firm to provide various services. In the course of providing those services, the association authorized the preparation and sending of a similar letter to all 120 legislators regarding a pending bill. The letter was signed on behalf of the membership association by an employee of the public relations firm.

You advised me that the representative who signed the letter could be considered a lobbyist if the compensation and/or time tests are met. In this case, the cost of the mailing was substantially less than \$5,000 and substantially less than \$2,000 of compensated time of the employee. However, the employee did receive some compensation in connection with preparing and sending the letters. You indicated that the sending of similar letters to all legislators would be considered one, and not twenty-five or more, contacts under the lobbying rules. You said this is consistent with a letter prepared by your legal department in 1983 or 1984 that reached this conclusion. Under this approach, the organization and the employee would not satisfy the lobbying and lobbyist criteria and, therefore, would have no registration or reporting requirements.

Thank you for your advice.

Very truly yours,

  
Peter A. Bagatelos

PAB/mlq



# California Fair Political Practices Commission

July 14, 1989

Peter A. Bagatelos  
Bagatelos & Fadem  
The International Building  
601 California Street, Suite 1801  
San Francisco, CA 94108

Re: Letter No. 89-413

Dear Mr. Bagatelos:

We received your letter requesting confirmation of advice under the Political Reform Act on July 12, 1989. Your letter has been assigned to our Technical Assistance and Analysis Division for response. If you have any questions, you may contact that division directly at (916) 322-5662.

If the letter is appropriate for confirmation without further analysis, we will attempt to expedite our response. A confirming response will be released after it has gone through our approval process. If the letter is not appropriate for this treatment, the staff person assigned to prepare the response will contact you shortly to advise you. In such cases, the normal analysis, review and approval process will be followed.

You should be aware that your letter and our response are public records which may be disclosed to any interested person upon receipt of a proper request for disclosure.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kathryn E. Donovan", is written above the typed name.

Kathryn E. Donovan  
General Counsel

KED:plh:confadv1